

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PLAINSCAPITAL BANK

Plaintiff,

v.

HILLARY MACHINERY, INC.

Defendant.

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Case No. 4:09-cv-653

AGREED ORDER OF DISMISSAL WITH PREJUDICE

The parties have presented an Agreed Motion for Dismissal, pursuant to Fed. R. Civ. P. 41(a)(1), and the Court and having considered same, the Court hereby orders that this action is dismissed with prejudice and that the parties shall each bear their own costs and attorney's fees.

Signed this ____ day of _____, 2010.
